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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,593	09/17/2003	Michael Kuhn	MAN03 P-113	3662

28101 7590 09/16/2004

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EXAMINER

VALENZA, JOSEPH E

ART UNIT	PAPER NUMBER
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3651

DATE MAILED: 09/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/664,593

Applicant(s)

KUHN, MICHAEL

Examiner

Joseph Valenza

Art Unit

3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over European reference '129 in view of Ebner.

It would have been obvious that pressure rollers 12 of European reference '129 could be positioned higher so that belt 5 constantly engages and drives carrying rollers 3,4 of European reference '129 as taught by pressure rollers 70, belt 46 and carrying rollers 44 (column 3, lines 34-42) of Ebner. With regard to claim 5, the criticality of the size of the overlap has not been proven; therefore, the overlap of pressure rollers 70 and carrying rollers 44 of Ebner is considered to be functionally equivalent. With regard to claims 6 and 11-14, the criticality of the belt cross-sectional shape has not been proven; therefore, the belt 5 of European reference '129, even though the belt 46 of Ebner is flat, is considered to be functionally equivalent.

2. Claims 1-14 are rejected under 35 U.S.C. 112, 2nd paragraph for being inaccurate.

The last three lines of claim 1 are inaccurate because the unillustrated electric drive of page 5 line 33 does not rotate the carrying roller. The contact of the carrying roller with driven belt 5 caused by pressure roller 11 causes the carrying roller to rotate even if the top run of belt 5 is not contacting the carrying roller.

3. The IDS filed 3/3/04 fails to comply with 37C.F.R. 1.98 (a) (3) (i) and (ii). While a discussion of some of the reference's content is given on pages 1 and 2 of the specification, the discussion is insufficient to understand all of the similar features that

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Art Unit: 3651

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are claimed by applicant. Upon receipt of more complete disclosures, the form 1449 will be acknowledged.

4. Any inquiry concerning this communication should be directed to Joseph E. Valenza at telephone number (703) 308-2577. Amendments may be faxed to (703) 872-9306. My normal work week is Monday through Thursday.

A handwritten signature in black ink that reads "Joseph Valenza". The signature is written in a cursive, flowing style with a large initial "J" and "V".

JOSEPH E. VALENZA
PRIMARY EXAMINER